

Remarks

Status of the Application

Applicants respectfully request reconsideration of the rejections set forth in the Office Action mailed on July 11, 2003.

- Claims 1-10, 13-15, and 16-25 are rejected under 35 U.S.C. 102(e)
- Claims 11-12 and 26-27 are rejected under 35 U.S.C. 103(a)
- Claims 28-35 are added

Thus, claims 1-35 are pending in the current application.

The Claims

Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1-10, 13-15, and 16-25 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,522,418 to *Yokomizo et al.* (*Yokomizo*). Applicants respectfully traverse.

Claims 1 and 16

Yokomizo describes a method of and system for the editing of images. More specifically, *Yokomizo* describes methods whereby editorial commands are applied to an image over a web server (*see* col. 6, ll. 5-15; col. 11, ll. 5-15); links between a low-resolution proxy image of a higher resolution image (*see* col. 9, ll. 30-60); and templates to make editing easier for the user (*see* col. 18, ll. 60-67) as cited by the Examiner.

In contrast, claims 1 and 16 have been amended to explicitly require, “associating a state information file to the image object whereby the state information file comprises an edit list having an embedded edit list and an external edit list wherein the external edit list comprises links to a plurality of multimedia assets that may be embedded in the resulting image object.” Support for the proposed amendment is found in the claims as originally presented (*see* for example originally presented claim 5). Thus, the state information file in the present claim now requires at least two distinct elements – an embedded edit list, and an external edit list each having distinct functionality as indicated in the Specification and further, in the body of the claims. For example, the embedded edit list identifies operations to be directly applied to the digital negative (*see* Specification pp. 25-26) while the external edit list identifies a variety of

external sources (*e.g.* multimedia assets or other edit lists) that are linked to the digital negative (*see* Specification 26-27). As such, Applicants submit that *Yokomizo* does not describe the elements as required by the present claim.

Therefore, for at least the reasons stated above, Applicants respectfully submit that the rejection of claims 1 and 16 is not supported by the cited art and respectfully request reconsideration of the above rejection.

Claims 2-10, 13-15, and 17-25

Claims 2-10, 13-15, and 17-25 all depend either directly or indirectly from independent claims 1 and 16 and are therefore also allowable over the cited art for at least the reasons stated for claims 1 and 16. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

For example, claim 3 now explicitly requires, “wherein the appropriately rasterized image object is a composite image.” Support for the proposed amendment may be found on p. 10, ll. 13-20 in the Specification. A composite image, as can be appreciated by one skilled in the art, is more than a simple collection of images as in a photo album. Rather, a composite image is a collection of images melded together to create a single image. The composer, utilizing the present invention, may exhaustively edit each element of the composite image during the process of building the image. Further, an element of the composite image may be retrieved from any of a number of different sources and linked to the composite image by the external edit list. In contrast, the cited art describes methods of placing a collection of images in a photo album like arrangement as well as use of a template where a user may place a photo in a pre-designed “frame” allowing a drag-and-drop operation (*see* col. 4, ll. 6-21).

Therefore, for at least the reasons stated above, Applicants respectfully submit that the rejection of claims 2-10, 13-15, and 17-25 is not supported by the cited art and respectfully request reconsideration of the above rejection.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 11-12 and 26-27 under 35 U.S.C. § 103 as being unpatentable over *Yokomizo* in view of U.S. Patent No. 6,522,418 to *Phillips* (*Phillips*).

Claims 11-12 and 26-27 all depend either directly or indirectly from independent claims 1 and 16 and are therefore also allowable over the cited art for at least the reasons stated for claims 1 and 16.

Phillips describes methods of storing effects made on a low resolution images that can be later applied to high-resolution images. The Examiner has asserted and the Applicants agree that *Phillips* further describes transporting an Open Media Format (OMF) file by various means of transmission (e.g. wireless)(see col. 23, ll. 25-40). However, neither *Yokomizo* nor *Phillips* describes an external edit list “wherein the external edit list comprises links to a plurality of multimedia assets that may be embedded in the resulting image object,” which is a required element of independent claims 1 and 16 upon which the present claims depend. Thus, neither of the references taken singly or in any reasonable combination suggests the invention as recited in the present claims.

Therefore, Applicants respectfully submit that *Phillips* adds nothing to reasonably cure the deficiencies in *Yokomizo*. As such, Applicants maintain that claims 11-12 and 26-27 are allowable over the cited art for at least these reasons and respectfully request reconsideration of the above rejection.

Added Claims

Claims 28-35

Applicants have added claims 28-35 to further distinguish the present invention. Support for the added claims may be found as follows

Claims 28-29, and 32-33: Specification pp.12-13

Claims 30-31, and 34-35: Specification pp. 10 and 14

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read 'D-Kali', with a large loop on the left side.

Damon K. I. Kali
Reg. No. 50,541

P.O. Box 778
Berkeley, CA 94704-0778
(650) 961-8300